

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

JASON WELLS,
Plaintiff,

v.

GULF INSURANCE COMPANY,
Defendant.

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CIVIL ACTION NO. 2-05-CV-162 (TJW)

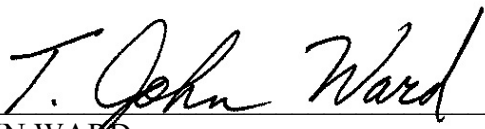
ORDER

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains his proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. Plaintiff filed objections (#85) to the Report and Recommendation (#71) but the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court.

Accordingly, it is ordered that Defendant, Gulf Insurance Company's Motion for Summary Judgement (#51) is denied. Further, pursuant to the parties' stipulation, the Court will assume for summary judgment purposes that the MCS-90 was attached to Gulf's policy. Accordingly, and in light of this Court's adoption of Judge Love's Report and Recommendation, the Court hereby grants Plaintiff Jason Wells' Motion for Summary Judgment (#45).

All other pending motions are hereby denied as moot.

SIGNED this 28th day of March, 2006.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE